

Analysis of the 2024

Klamath River Basin Sport Fishing Regulations

Addendum to the

2022 Negative Declaration

Regarding Klamath River Basin Sport Fishing Regulations

prepared by the

State of California

Natural Resources Agency

California Department of Fish and Wildlife

on behalf of the

California Fish and Game Commission

as

Lead Agency under the

California Environmental Quality Act (CEQA)

for the

Regularly Noticed Rulemaking Action to Amend

Section 7.40 Title 14,

California Code of Regulations

2024 Fishing Season

(OAL Notice File No. 2024-0223-02)

Introduction

The California Department of Fish and Wildlife (CDFW) has prepared this addendum pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., to inform consideration by the California Fish and Game Commission (Commission) of proposed amendments to existing regulations governing Klamath River Basin sport fishing. Annually, CDFW recommends Klamath River Basin (KRB) sport fishing regulations to the Commission. The Commission then makes the final determination on what amendments to the regulations should be implemented and is the lead agency for the purposes of CEQA. Under Fish and Game Code Section 200, the Commission has the authority to regulate the taking or possession of fish for the purpose of sport fishing.

The Commission proposes to amend the Klamath River Basin sport fishing regulations as set forth in Title 14, subsection 7.40(b)(50) of the California Code of Regulations (CCR) for Klamath River fall-run Chinook salmon (KRFC) based on federal fisheries management goals (project). Each year, CDFW evaluates the potential need to update the KRB sport fishing regulations for KRFC to align with federal fisheries management goals and presents any proposed amendments to the Commission for consideration.

The Commission established an in-basin quota and daily bag and possession limits for KRFC on the Klamath and Trinity rivers in 2022 with the certification of a final negative declaration under CEQA (*2022 Klamath River Basin Sport Fishing Regulations Negative Declaration* (ND))(SCH No. 2022040251). The ND provides relevant and important informational value as the Commission, as the CEQA lead agency, considers proposed amendments to the existing regulations for the 2024 KRB sport fishing season in California. This addendum documents the Commission's consideration of related environmental effects.

Earlier Project Approval

CEQA review of the proposed project was conducted in accordance with the Commission's certified regulatory program approved by the secretary for the California Natural Resources Agency pursuant to Public Resources Code Section 21080.5 (See generally CCR, Title 14, sections 781.5 and 15251(b)). CEQA requires all public agencies in the state to evaluate the environmental impacts of discretionary projects they propose to carry out or approve, including promulgating regulations, which may have a potential to significantly affect the environment.

In 2022, the Commission certified the final ND regarding Klamath River Basin sport fishing (SCH No. 2022040251) as the lead agency under CEQA as part of the Commission's review and adoption of KRB sport fishing regulations that focused on the potential for significant environmental impacts from a potential decrease or increase of KRFC daily bag and possession limits for the Klamath and Trinity rivers. The Commission considered a quota range of 0–67,600 adult KRFC in the KRB, a daily bag limit range of 0–4 KRFC, and a possession limit range of 0-12 KRFC. The Commission, as the CEQA lead agency, certified the 2022 ND and determined adoption of the regulations as proposed would not result in any new significant or substantially more severe environmental effects. The Commission adopted a daily bag limit of two KRFC of which no more than one fish over 23 inches total length may be retained when the take of salmon over 23 inches total length is allowed and a possession limit of six KRFC of which no more than three fish over 23 inches total length may be retained when the take of

salmon over 23 inches total length is allowed. The Commission also adopted a Klamath River Basin quota of 2,119 adult KRFC.

Proposed 2024 Chinook Salmon Bag and Possession Limits

The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations for managing recreational and commercial ocean salmon fisheries in the U.S. Exclusive Economic Zone (3 to 200 miles offshore) off the coasts of Washington, Oregon, and California. When approved by the U.S. Secretary of Commerce, the recommendations are implemented as ocean salmon fishing regulations by the National Marine Fisheries Service.

PFMC developed the annual Pacific coast ocean salmon fisheries regulatory options for public review at its March 2024 meeting and adopted its final regulatory recommendations at its April 2024 meeting based on the PFMC salmon abundance estimates and recommendations for ocean harvest for the coming season. Based on the April 2024 recommendation by PFMC, CDFW recommended a KRB quota and specific bag and possession limit regulations for the KRB sport fishery to the Commission at its April 18, 2024 meeting. The Commission then adopted KRB sport fishing regulations at its May 15, 2024 meeting.

Annually, CDFW recommends the Commission consider a quota range of 0 - 67,600 adult KRFC in the Klamath River Basin for the in-river sport fishery. The recommended range encompasses the historical range of the Klamath River Basin allocations and allows PFMC and the Commission to make adjustments during the 2024 regulatory cycle.

The proposed subquotas for KRFC are shown in **Figure 1**:

1. Main stem Klamath River from 3,500 feet downstream of Iron Gate Dam to the Highway 96 bridge at Weitchpec -- 17 percent of the total quota equates to [0-11,492];
2. Main stem Klamath River from downstream of the Highway 96 bridge at Weitchpec to the mouth -- 50 percent of the total quota equates to [0-33,800];
3. Main stem Trinity River downstream of the Old Lewiston Bridge to the Highway 299 West bridge at Cedar Flat -- 16.5 percent of the total quota equates to [0- 11,154]; and
4. Main stem Trinity River downstream from the Denny Road bridge at Hawkins Bar to the confluence with the Klamath River -- 16.5 percent of the total quota equates to [0-11,154]

No changes are proposed for the Klamath River and Trinity River KRFC seasons:

- Klamath River - August 15 to December 31
- Trinity River - September 1 to December 31

As in previous years, no retention of adult KRFC is proposed once the subquota has been met.

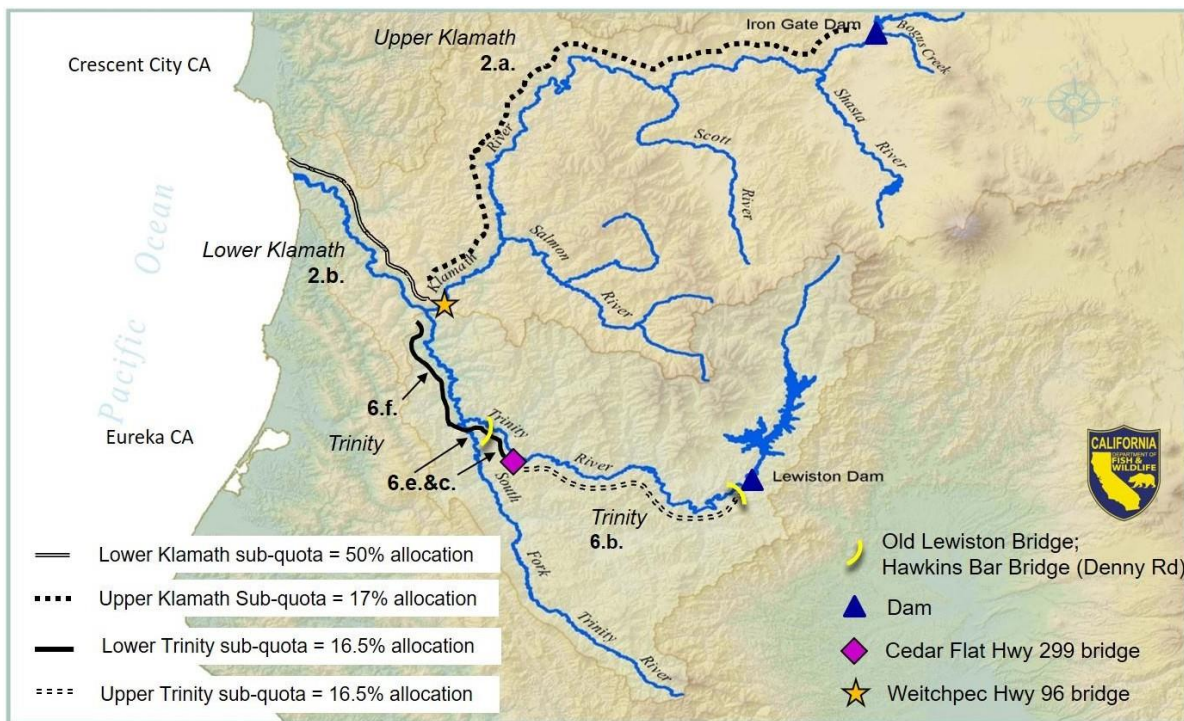


Figure 1. Map of the Klamath River Basin, showing the subquotas by reach of Trinity and Klamath rivers, and the associated subsections of 7.40(b)(50)(E).

The range of proposed bag and possession limits for KRFC stocks are:

- Bag Limit - [0-4] Chinook salmon – of which no more than [0-4] fish over [20-24] inches total length may be retained until the subquota is met, then 0 fish over [20-24] inches total length.
- Possession limit - [0-12] Chinook salmon of which no more than [0–4] fish over [20-24] inches total length may be retained when the take of salmon over [20-24] inches total length is allowed.

In addition to the above quota, daily bag and possession limits, the 2024 proposed KRB fishing regulations included an option for closing the KFRC fishery should PFMC recommend a complete or near complete closure of ocean recreational salmon fishery and/or an allocation of zero adult KRFC to the in-river recreational fishery; ultimately, PFMC recommended a complete closure and the Commission adopted the same.

The 2022 final ND found no significant impacts for the KRB quota range and range of proposed daily bag and possession limits for KRFC sport fishing. The proposed 2024 KRB quota, and daily bag and possession limit ranges fall within the previously analyzed ranges for the KRB quota and proposed bag and possession limits for KRFC stocks. Therefore, there are no new significant or substantially more severe impacts from amending the KRB sport fishing regulations to either reduce or increase the KRFC daily bag and possession limits on the Klamath and Trinity rivers.

No Subsequent Environmental Document is Required

In general, CEQA applies whenever a public agency proposes to carry out or approve a discretionary project (Public Resources Code, Section 21080, subdivision (a)). CEQA provides that, where a public agency proposes to modify a previously approved project for which a final environmental document was prepared and certified:

“An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred..” (CCR, Title 14, Section 15164, subsection (b))

- A subsequent environment document (Section 15162) when there is substantial evidence that:
 - Substantial changes are proposed in the project, which will require major revisions to the previous environmental impact report (EIR) or environmental document (ED).
 - Substantial changes occur with respect to the circumstances under which the project is being undertaken, which will require major revisions to the previous EIR or environmental documentation.
 - New information, which was not known and could not have been known at the time the previous EIR or ED was certified as complete, becomes available.
- A supplement to an environment document (Section 15163) when:
 - A subsequent ED is not required.
 - Only minor changes to the project are described.
 - Only that information to make the ED adequate is provided.
- An addendum to the Certified ED (Section 15164) is proper when:
 - The changes or additions presented in the project are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent ED have occurred.
 - The Commission may properly prepare and may rely on an addendum in accordance with Section 15164 to fulfill its obligations under CEQA.

No Additional Impacts under CEQA

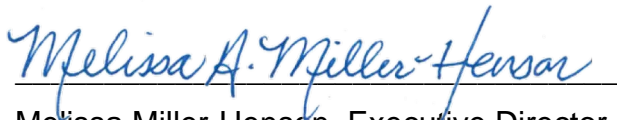
The Commission has determined that amending the current KRB sport fishing regulations based on PFMC salmon abundance estimates will not result in any new or significant or substantially more severe environmental impacts than previously analyzed and disclosed in *2022 Klamath River Basin Sport Fishing Regulations Negative Declaration* for this project.

This project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. There are no impacts to the habitat of fish and wildlife species.

This approval action adjusts the previous year daily bag and possession limits based on more current salmon abundance estimates. No other aspect of the project is changed. No new significant or substantially more severe impacts under CEQA will occur due to this change.

Amendment of the Klamath River Basin Sport Fishing Regulations

In conclusion, the Commission finds that amending the KRB sport fishing regulations in CCR, Title 14, Section 7.40, will not result in any new significant or substantially more severe environmental effects than previously analyzed and disclosed in the 2022 ND. The Commission also finds that subsequent or supplemental review beyond this addendum is not warranted pursuant to CCR, Title 14, Section 15164, in connection with this proposed action.



Melissa Miller-Henson, Executive Director
California Fish and Game Commission

July 10, 2024

Date